

Town of Marion Business Certificate FAQ's and Information

WHAT IS A BUSINESS CERTIFICATE, DBA (doing business as)?

A Business Certificate is a local registration of a business that is conducted within the town and filed with the Town Clerk, either in person or by mail (must be notarized), in every city/town where a business of any such person, partnership or corporation may be situated. It is commonly referred to as a “d/b/a” (doing business as). The primary purpose of filing is to protect consumers or creditors by identifying the names and addresses of the owners of the business. Essentially, the public has a right to know who “is” a particular business, since a customer will not know who owns the business simply by the name of the business.

NOTE: A business certificate is not a license to do business in the Town of Marion. Additional licenses/permits issued by other town departments or state agencies may be required in order to do business. Please refer to the Code of the Town of Marion (general and zoning bylaws) on the Home Page of the website and/or call the Building Department at 508-748-3516.

WHO MUST FILE?

Any person conducting a business under any title (business name) other than the complete real name of the person conducting the business must file a certificate. A person is defined here as an individual, a partnership or a corporation. Exemptions to filing are allowed under MGL Title XV Chapter 10, Section 6 if the corporation is doing business in its true corporate name, or if a legal partnership is doing business under any title which includes the true surname of any partner. Certain other exemptions exist for trusts and limited partnerships.

WHO MUST SIGN THE BUSINESS CERTIFICATE?

If the business is owned solely by one person, only that person needs to sign. If it is a partnership of two or more people (but not a formal legal entity), both or all of the “partners” must sign. If it is a legal partnership, any officer who has authority to sign on behalf of the partnership may do so. If it is a corporation, an officer who has signatory authority must sign – which is usually the President, but not always. All signatures must be made in front of a notary or at the Town Clerk’s Office.

HOW LONG IS MY BUSINESS CERTIFICATE VALID?

Business Certificates are valid for a period of four (4) years from the date of its original filing. They must be renewed every four (4) years for as long as the business is being conducted.

**WHAT IF I “GO OUT OF BUSINESS”, CHANGE MY RESIDENCE;
CHANGE THE LOCATION OF THE BUSINESS OR WANT TO CHANGE
THE NAME OR OWNER OF THE BUSINESS?**

Change of residence as listed on certificate, change of location of the business within town (but keeps the same business name): You must notify the town in writing of your new address (referencing your business certificate number).

Discontinuance of business, retirement or withdrawal from conducting business (i.e.: go out of business or relocate it to another town): You must file a *Statement of Discontinuance*. If you will be conducting a “*Going out of Business Sale*” please contact the Town Clerk’s office regarding the legal requirements for this type of sale.

In case of death of the owner of the registered business (d/b/a): A statement may be filed by the executor or administrator of the estate.

**DOES THE FILING OF A BUSINESS CERTIFICATE PROTECT ME
FROM OTHERS USING THE SAME NAME?**

No, the protection of a trademark (word, name, symbol or device) in Massachusetts is accomplished through the Secretary of the Commonwealth’s Office.

FEES:

Filing/Renewal of a Business Certificate: \$20.00 (4 years)

Certified Copies: \$5.00

We accept cash or a check made out to “Town of Marion”. If filing by mail, please do not send cash. Credit and Debit cards are NOT accepted.

MUST I DISPLAY A COPY OF MY BUSINESS CERTIFICATE?

The law states that copies of your certificate must be available at the address at which to business is conducted, and shall be produced for inspection upon request during regular business hours to any person who has purchased goods or services from such business.

**WHAT IS THE PENALTY IF I DO NOT FILE A CERTIFICATE OR
STATEMENT?**

Massachusetts Law states that violations will be punished by a fine of not more than three hundred dollars (\$300.00) for each month during which the violation continues.

FORMS ARE AVAILABLE BELOW OR AT THE TOWN CLERK'S OFFICE

Business Certificate Form (new/renewal)
Business Certificate Discontinuance Form

Marion Town Clerk's Office:

2 Spring Street, Marion, MA 02738

lmagauran@marionma.gov

Phone: 508-748-3502

Fax: 508-748-6991

Hours: Mon-Thurs 8:00am – 4:30pm, Fri 8:00am – 3:30pm

www.marionma.gov

Please note: If you choose to mail in your request for a business certificate, you will need to have the signature(s) notarized.

ADDITIONAL INFORMATION AND WEBSITES:

Where do I get tax information regarding my business?

The Massachusetts Department of Revenue (DOR) can answer all of your questions regarding collection sales tax or other tax questions you may have. The Taxpayer Assistance Bureau is open from 8:45am – 5:00pm Monday thru Friday. The toll free number is 1-800-392-6089 or 617-887-6367. The DOR has a publication entitled “A Guide to Sales and Use Tax” which answers the most commonly asked questions about sales/use tax.

FID Numbers

Obtained from the IRS at 800-829-1040 or 617-523-1040

Department of Revenue Website: <http://www.dor.state.ma.us/>

Secretary of the Commonwealth's Office: www.state.ma.us